

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

WM. H. MC GEE & COMPANY OF
PUERTO RICO, INC.,

Plaintiff,

v.

CIVIL NO. 98-1332 (RLA)

M/V PHOENIX SPIRIT, et al.,

Defendants.

ORDER SETTING DEADLINES FOR CONCLUDING DISCOVERY
FOR SUBMISSION OF DISPOSITIVE MOTIONS AND
SCHEDULING SETTLEMENT CONFERENCE
PRETRIAL CONFERENCE AND NON-JURY TRIAL

(2) Counsel for plaintiff having shown cause no sanctions will be imposed against her at this time.¹ However, regardless of the attorney's difficult family situation, this case must proceed forward. Accordingly, the Court hereby sets deadlines to conclude any remaining discovery, submit dispositive motions as well as schedule trial in this action.

DISCOVERY DEADLINES

All written discovery shall be propounded no later than July 14, 2000 and all depositions must be taken no later than August 30, 2000.

¹ See Plaintiff's Motion to Show Cause, filed on June 1, 2000 (docket No. 17).

18
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CIVIL NO. 98-1332 (RLA)

Page 2

DISPOSITIVE MOTIONS

The parties shall abide by the following deadlines for submitting dispositive motions in accordance with the procedure set forth in the AMENDED STANDING ORDER - PROCEDURE FOR FILING DISPOSITIVE MOTIONS IN CIVIL TRIALS ASSIGNED TO JUDGE RAYMOND L. ACOSTA, issued on May 19, 1998:

9/15/2000 Deadline for service of dispositive motions to opposing counsel and for filing notice thereof with the Court.

9/30/2000 Deadline for service of oppositions to opposing counsel and for filing notice thereof with the Court.

10/16/2000 Deadline for service of replies - if warranted - and for filing notice thereof with the Court.

10/31/2000 Deadline for service of sur-replies - if warranted - and for filing notice thereof with the Court.

Once all pertinent motions have been exchanged, movant shall file the entire original dispositive motion package together with a copy thereof.

SETTLEMENT CONFERENCE

A **SETTLEMENT CONFERENCE** is hereby scheduled for **January 16, 2001 at 10:30 a.m.** The parties shall contact the chambers of the undersigned to verify where the Conference will be held.

PRETRIAL CONFERENCE

A PRETRIAL CONFERENCE is hereby scheduled for January 23, 2001 at 10:30 a.m.

A Proposed Joint Pretrial Order² shall be filed on or before January 19, 2001 and shall contain the following:

I. Nature of the Case

A statement of the nature of the case agreed upon by all parties which shall include issues of jurisdiction. In the event that the parties cannot agree upon a single description, separate versions shall be submitted.

II. Theories of the Parties

Each party shall present concisely its pertinent legal theories including applicable citations to statutes and caselaw. Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

III. Admitted Facts

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

² A courtesy copy to be delivered directly to the chambers of the undersigned.

CIVIL NO. 98-1332 (RLA)

Page 4

IV. Contested Facts

The parties shall provide a listing of contested facts.

V. List of Exhibits

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate those exhibits, if any, which are not objected to by opposing counsel.

VI. Depositions

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on February 10, 1994.

VII. Witnesses and Interpreters

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof. Additionally, the parties shall specifically identify those witnesses who will need the services of a court-certified interpreter during trial.

VIII. Expert Witnesses and Interpreters

Each party shall list its expert witnesses and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, the report shall be submitted in conjunction with the offer of proof. Additionally, the parties shall specifically identify those experts who will need the services of a court-certified interpreter during trial.

IX. Itemized Statement of Special Damages

In anticipation that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party or parties not in agreement with the proposed statement shall include its/their opposition in this section.

X. Estimated Length of Trial

Parties shall indicate the estimated length of trial.

XI. Trial Transcript

Parties shall indicate their interest in requesting an expedited and/or daily transcript of the proceedings.

The Proposed Joint Pretrial Order may be modified by this Court only upon a showing of good cause.

NON-JURY TRIAL

NON-JURY TRIAL in this action hereby set for **January 25, 2001**
at 9:30 a.m.

CIVIL NO. 98-1332 (RLA)

Page 6

STANDING ORDER

The parties shall file a TRIAL BRIEF no later than **January 23, 2001** in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**.

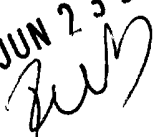
The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.³

IT IS SO ORDERED.

San Juan, Puerto Rico, this ^{15th} day of June, 2000.



RAYMOND L. ACOSTA
United States District Judge

s/c: (2)
JUN 23 2000


³ The parties shall furnish the undersigned an additional copy of all documents intended to be presented as evidence at trial.

CIVIL NO. 98-1332 (RLA)

Page 7

SUMMARY OF DEADLINES AND SETTINGS

| | |
|-------------------|--|
| 9/15/2000 | Deadline for service of dispositive motion to opposing counsel and for filing notice with the Court. |
| 9/30/2000 | Deadline for service of opposition to opposing counsel and for filing notice with the Court. |
| 10/16/2000 | Deadline for service of reply - if warranted - and for filing notice with the Court. |
| 10/31/2000 | Deadline for service of sur-reply - if warranted - and for filing notice with the Court. |
| 1/16/2001 | SETTLEMENT CONFERENCE at 10:30 a.m. |
| 1/19/2001 | Deadline for filing JOINT PRETRIAL ORDER. |
| 1/23/2001 | Deadline for filing TRIAL BRIEFS. |
| 1/23/2001 | PRETRIAL CONFERENCE at 10:30 a.m. |
| **** | Parties to mark evidence prior to trial |
| **** | Parties to provide the court copy of all documents intended to be presented as evidence at trial. |
| 1/25/2001 | NON-JURY TRIAL at 9:30 a.m. |